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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,586	06/21/2000	Scott B Heintzeman	8477.99USC1	6546

7590 09/23/2004

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,586

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 41-76 have been examined. 09/598,586 is continuation of 08/892,563. Which is a continuation of 08/439,626, which is a continuation of 08/385,381 (Pat. No. 5,483,444), which is a continuation of 08/143,453 (dated 10/26/1993).

Response to Amendment

2. In response to Office Action filed 10/02/03, the Applicant filed a request for consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Roach et al (U.S. 5,434,394).

As per claim 41, Roach et al teach:

A computerized on-line incentive system for awarding points to a user conducting an on-line purchase, the system comprising:

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(a) an access device connected to a network (see column 5, lines 45-55; figure 1);

(b) a computerized on-line sales environment, connected to the network and thereby accessible to the user of the access device, the on-line sales environment permitting the user to conduct an on-line purchase (see figure 1, column 5, line 45 – column 7, line 39); and

(c) an on-line award system connected to the network, the on-line award system being in communication with the on-line sales environment and possessing an account holding a point total corresponding to the user (see column 7, lines 1-39; column 9, lines 51-63; column 10, lines 35-67; column 11, line 44 – column 12, line 15; column 13, lines 1-30).

As per claim 42, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises:

(a) a computerized reception component adapted to receive information relating to the on-line purchase (see column 4, lines 24-46; column 5, lines 45-55);

(b) a computerized processing component adapted to process the information relating to the on-line purchase (see column 4, lines 24-46); and

(c) a computerized purchasing component adapted to effectuate the on-line purchase (see column 10, lines 36-67).

As per claim 43, Roach et al teach:

The computerized on-line sales environment of claim 42, wherein the reception component, processing component, and purchasing component reside on two or more computers that are in communication with each other and the network (see figure 1, 6).

As per claim 44, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises:

- (a) a computerized on-line purchase system adapted to receive the on-line purchase request (see columns 5-6);
- (b) a conversion system adapted to convert the on-line purchase request into one or more different formats (see column 10, line 36 – column 12, line 15); and
- (c) an on-line purchase facility adapted to effectuate the on-line purchase (see column 10, line 36 – column 12, line 15).

As per claim 45, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises one or more on-line purchase computers connected to the network, the on-line purchase computers being adapted to receive, process, and effectuate the online purchase request (see columns 10-12).

As per claim 46, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises a verifier classifying a point amount as pending until a predetermined event occurs and converting the pending point amount to a redeemable point amount after the occurrence of the event (see column 13, lines 10-30).

As per claim 47, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises a verifier classifying a point amount as pending for a predetermined amount of time after the assignment of the point amount and converting the pending point amount to a redeemable point amount after the predetermined amount of time (see columns 13-14).

As per claim 48, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises:

(a) a first verifier classifying a point amount as pending until a predetermined event occurs (see column 13); and

(b) a second verifier maintaining the point amount as pending for a predetermined amount of time after the occurrence of the event and converting the pending point amount to redeemable after the predetermined amount of time (see columns 13-14).

As per claim 49, Roach et al teach:

The computerized on-line incentive system of claim 42, wherein the information relating to the on-line purchase includes a log-in identifier related to the user (see column 11, lines 11-18).

As per claim 50, Roach et al teach:

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The computerized on-line incentive system of claim 41, wherein the on-line awards system further comprises a reporter adapted to report the point total assigned to the user (see figures 4a, 4b).

As per claim 51, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports on-line the point total to the user (see figures 4a, 4b).

As per claim 52, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports in a hard copy format the point total for the user (see figure 4e).

As per claim 53, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports a pending point total for the user (see column 13, lines 10-30).

As per claim 54, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports a redeemable point total for the user (see column 13, lines 10-30).

As per claim 55, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system awards a point amount to the user's account based on the monetary value of the on-line purchase (see column 10, line 36 – column 11, line 4).

As per claim 56, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system identifies on-line whether the user has previously received points (see column 9, lines 50-62; column 13, lines 10-30).

As per claim 57, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system assigns a bonus point amount to the user based upon a predetermined activity in conjunction with the on-line purchase (see column 13, lines 10-30).

As per claim 58, Roach et al teach:

The computerized on-line incentive system of claim 57, wherein the on-line award system assigns the bonus point amount to the user based upon one or more given criteria (see column 13).

As per claim 59, Roach et al teach:

The computerized on-line incentive system of claim 42, wherein the information relating to the on-line purchase uniquely identifies the user (see column 7, lines 11-38).

As per claim 60, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system modifies the user's point total in response to adjustment or cancellation of the online purchase (see column 11, lines 5-19).

Claim 61 contains the same limitations as claim 41 therefore the same rejection is applied.

Claims 62-64 contain the same limitations as claims 46-48 therefore the same rejection is applied.

Claims 65-75 contain the same limitations as claims 50-60 therefore the same rejection is applied.

Claim 76 contains the same limitations as claim 55 therefore the same rejection is applied.

Response to Arguments

4. Applicant's arguments filed 04/08/04 have been fully considered but they are not persuasive. The Applicant argues that the sales transactions in Roach patent are not "on-line" and therefore Roach fails to disclose a computerized "on-lines sales environment". The Examiner answers that the Applicant's specification defines an on-line environment as "A travel agent uses a terminal 10 to enter a travel-related reservation" (see page 5, line 20) and "The system typically interacts with a travel agent on-line to assign credits for travel-related reservations and thus provide the travel agent with immediate feedback regarding the credits earned" (see page 4, line 4). In the Applicant's specification an "on-line communication" occurs when users obtain updated information from central computers that are in network connections to users' terminals. Roach discloses a system where users inputs data into terminals, ("pen-based sales transactions computers"), which communicate via a network connection with a central computer to process purchase transactions. Therefore, Roach teaches an on-line sales system. The Applicant's specification never mentions that an "on-line system" is one where purchase transactions occur only by communicating via the Internet or one where purchases transactions occur only when there are no point-of-sale terminals. The

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Applicant is arguing about features that are not sustained by the Applicant's specification.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

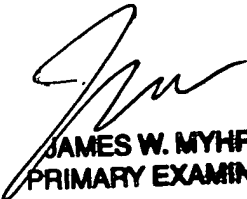
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
September 4, 2004


JAMES W. MYHRE
PRIMARY EXAMINER